

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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COMPLETE TITLE OF CASE:

MISSOURI DEPARTMENT OF SOCIAL SERVICES, CHILDREN'S DIVISION,

Respondent

v.

B.T.W. (FATHER),

Appellant

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DOCKET NUMBER WD76323

DATE: November 26, 2013

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Appeal From:

Circuit Court of Pettis County, MO  
The Honorable Robert M. Liston, Judge

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Appellate Judges:

Division Four  
James Edward Welsh, C.J., Cynthia L. Martin, J., and James Thompson, Sp. J.

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Attorneys:

Joel Dake, Sedalia, MO  
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Attorneys:

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Counsel for Respondent

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**MISSOURI APPELLATE COURT OPINION SUMMARY  
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**MISSOURI DEPARTMENT OF SOCIAL SERVICES, CHILDREN'S  
DIVISION, Respondent, v. B.T.W. (FATHER), Appellant.**

**WD76323**

**Pettis County**

Before Division Four Judges: Welsh, C.J., Martin, J., and Thompson, Sp. J.

The Pettis County Circuit Court terminated B.T.W.'s (Father's) parental rights to his daughter, T.A.W. (Child). Father, a resident of Illinois, appealed on the basis that the Missouri court lacked jurisdiction to determine Child's custody under the Uniform Child Custody Jurisdiction Act (UCCJA), that he was denied due process, and that the judge who presided over the case was biased against him and failed to follow the statutory dictates. Father also claimed that the court's findings of abandonment, neglect, and failure to rectify harmful conditions were not supported by the evidence and that the court erred in finding that termination was in Child's best interest.

**Affirmed.**

**Division Four Holds:**

The Missouri circuit court had subject matter jurisdiction and its jurisdiction under the UCCJA was reviewable, if at all, when the adjudication and disposition order was entered in 2007. Father failed to preserve his claim of a lack of due process for appellate review by failing to raise it "at the first available opportunity" and preserving it "throughout the proceedings." Father also subjected himself to the court's jurisdiction by participating in the case for over two years before contesting jurisdiction, thereby waiving his claim of lack of personal jurisdiction.

Father does not show that the judge who presided over the case was biased or prejudiced against him or terminated his parental rights for any reason other than the evidence presented. The circuit court had "good cause" for failing to conduct a hearing within thirty days after the juvenile officer and the court met, as mandated by section 211.459, in that Father repeatedly filed motions and requested continuances, thereby agreeing to a dispositional hearing more than thirty days after the meeting.

The evidence showing Father's lack of effort to visit, communicate with, and establish a relationship with Child, and his failure to contribute anything toward her support, in spite of being capable of and obtaining employment, constituted clear, cogent, and convincing evidence sufficient to support termination on the grounds of neglect, abandonment, and a failure to rectify, pursuant to § 211.447.5, RSMo. The circuit court did not abuse its discretion in finding that termination of parental rights was in the child's best interests, in that the statutory best interest factors were proven by a preponderance of the evidence.

Opinion by James Edward Welsh, Chief Judge

November 26, 2013

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